

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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IN RE: NATIONAL PRESCRIPTION : MDL No. 2804
OPIATE LITIGATION : Case No. 1:17-md-2804
: Hon. Dan Aaron Polster
APPLIES TO ALL CASES :
: ----- X -----

**JOINT MOTION FOR ENTRY OF CONSENT ORDER TO ADDRESS PRIVILEGE
ISSUES RELATING TO CERTAIN CVS DOCUMENTS**

The Plaintiffs' Executive Committee in MDL 2804 (the "PEC") and Defendants CVS Rx Services, Inc., and CVS Indiana, L.L.C. (together, the "CVS Distributors") jointly move the Court to enter the proposed Order submitted herewith to resolve pending disputes regarding certain communications and documents which the CVS Distributors have designated as privileged in response to discovery requests proffered by the PEC. In support of this Motion, the PEC and the CVS Distributors state as follows:

1. In the course of responding to discovery requests proffered by the PEC, the CVS Distributors have designated as privileged certain communications and documents related to activities conducted by Analysis Group, Inc. (the "AGI Documents").
2. The PEC has challenged the CVS Distributors' privilege designations over the AGI Documents.
3. As a result of many meet and confers, the PEC and the CVS Distributors have agreed to resolve the PEC's privilege challenges to the AGI Documents.
4. The PEC and the CVS Distributors seek to memorialize their agreement and to have the Court accept and adopt it as an Order of the Court in order to avoid any

misunderstanding, to protect the CVS Distributors and their affiliates against any future privilege challenges in this or any other litigation to the AGI Documents that are privileged in whole or in part under the agreement, and to protect the PEC against any future claim in this or any other litigation regarding whether any other party's or non-party's documents involving a third party are privileged.

WHEREFORE, the PEC and the CVS Distributors respectfully request that the Court enter the proposed Order submitted herewith.

Date: January 21, 2020

Respectfully submitted,

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Plaintiffs' Counsel

CERTIFICATE OF SERVICE

I, Anthony D. Irpino, hereby certify that the forgoing documents were served via the Court's ECF system to all counsel of record.

/s/ *Anthony D. Irpino*
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